

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN

LYNETTE MOORE,
Plaintiff,

-vs.-

DEMAND FOR JURY TRIAL

STELLAR RECOVERY, INC.,
a foreign corporation,
Defendant.

COMPLAINT & JURY DEMAND

Plaintiff, Lynette Moore, through counsel, Nitzkin and Associates, by Gary Nitzkin states the following claims for relief:

JURISDICTION

1. This court has jurisdiction under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.
2. This court may exercise supplemental jurisdiction over the related state law claims arising out of the same nucleus of operative facts which give rise to the Federal law claims.

PARTIES

3. The Defendant to this lawsuit is Stellar Recovery, Inc. that conducts business in Montana.

VENUE

4. The transactions and occurrences which give rise to this action occurred in Wayne County.
5. Venue is proper in the Eastern District of Michigan.

GENERAL ALLEGATIONS

6. Defendant is attempting to collect a consumer type debt allegedly owed by the Plaintiff.
7. The original creditor is Household Finance and the amount of the debt is \$16,181.85.
8. Both Plaintiff and her grandmother are allegedly obligated on this debt.
9. On or about June 21, 2011, Plaintiff received a letter from Defendant attempting to collect on this alleged debt.
10. Sometime in July 2011, Defendant called Plaintiff on her cell phone while she was at home.
11. During this conversation, the Defendant's agent and told her that he is going to call her job and send the sheriff out to her job.
12. He also told Plaintiff that she is going to be in trouble with her job. The representative who said this to Plaintiff was named Ryan and he called from 888-638-7051, extension 208.
13. To date, Defendant has never filed any lawsuit against Plaintiff.
14. The Plaintiff has suffered damages as a result of these violations of the FDCPA.

COUNT I - FAIR DEBT COLLECTION PRACTICES ACT

15. Plaintiff reincorporates the preceding allegations by reference.
16. At all relevant times Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
17. Plaintiff is a "consumer" for purposes of the FDCPA and the account at issue in this case is a consumer debt.
18. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
19. Defendant's foregoing acts in attempting to collect this alleged debt violated 15 U.S.C. §1692 et. seq;
20. The Plaintiff has suffered damages as a result of these violations of the FDCPA.

COUNT II - VIOLATION OF THE MICHIGAN OCCUPATIONAL CODE

21. Plaintiff incorporates the preceding allegations by reference.
22. Defendant is a "collection agency" as that term is defined in the Michigan Occupational Code ("MOC"), M.C.L. § 339.901(b).
23. Plaintiff is a debtor as that term is defined in M.C.L. § 339.901(f).
24. Defendant's foregoing acts in attempting to collect this alleged debt violated MCL §339.915
25. Plaintiff has suffered damages as a result of these violations of the Michigan Occupational Code.
26. These violations of the Michigan Occupational Code were willful.

COUNT III - VIOLATION OF THE MICHIGAN COLLECTION PRACTICES ACT

27. Plaintiff incorporates the preceding allegations by reference.
28. Defendant is a "Regulated Person" as that term is defined in the Michigan Collection Practices Act ("MCPA"), at MCL § 445.251.
29. Plaintiff is a "Consumer" as that term is defined at MCL § 445.251.
30. Defendant's foregoing acts in attempting to collect this alleged debt violated MCL §445.252
31. Plaintiff has suffered damages as a result of these violations of the MCPA.
32. These violations of the MCPA were willful.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury in this action.

DEMAND FOR JUDGMENT FOR RELIEF

Accordingly, Plaintiff requests that the Court grant him the following relief against the defendant:

- a. Actual damages.
- b. Statutory damages.
- c. Treble damages.
- d. Statutory costs and attorney fees.

Respectfully submitted,

October 10, 2011

/s/ Gary Nitzkin

GARY D. NITZKIN P41155

MICHIGAN CONSUMER CREDIT LAWYERS

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